

UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO

ORLANDO RODRIGUEZ et al.

Plaintiffs,

v.

CROWLEY TOWING AND  
TRANSPORTATION CO. et al.

Defendants.

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CIVIL NO. 97-2437 (CCC)  
CIVIL NO. 98-1548 (CCC)

MOTION FOR LEAVE TO SUBMIT A JOINT REPLY TO MOTION  
FOR SUMMARY JUDGMENT OF ANGEL ORTIZ ANGLERO AND  
REINALDO ILARRAZA AND TO PLAINTIFFS' RESPONSE TO  
DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT, AND  
MOTION FOR EXTENSION OF TIME

Defendant Seafarers International Union, Atlantic, Gulf, Lakes and Inland Waters  
District/NMU, AFL-CIO (hereinafter "Union") respectfully moves this court for leave to file a  
joint reply to two motions recently filed by the plaintiffs in this case, and for an extension of time  
to file this joint response. In support of this motion, the Union states the following:

This case is a consolidation of two lawsuits, brought by two separate attorneys, involving  
the same parties. The case was initiated in August 1997 as a class action. The six individual  
plaintiffs who were named in the complaint are: Orlando Rodriguez, Leoncio Cancel, Angel  
Ortiz, Pedro Figueroa, Reinaldo Ilarraza and Miguel Negron. On December 29, 1998, this court  
denied plaintiffs' Motion to Certify the Class (Docket No. 36). These Plaintiffs then filed a  
Motion for Leave to file an Amended Complaint to add 96 additional plaintiffs (Docket No. 38).

This Motion was denied in part, and granted in part by permitting the plaintiffs to add Luis Alvarez and Miguel Vásquez as plaintiffs (Docket No. 91).

Angel Ortiz and Reinaldo Ilarraza were also plaintiffs in Civil No. 97-2437, a similar suit initiated in the instant court. The two cases were consolidated in August 1998 (Docket No. 25), but continue to be pursued separately by the two attorneys who initiated these suits.

The Union filed a Motion for Summary Judgment on January 29, 1999 (Docket # 42 ). The eight plaintiffs filed a Combined Response to Defendants' Motions for Summary Judgment on August 24, 2004 (Docket No. 121). On August 30, 2004, the Union filed a Motion for Leave to Reply to Plaintiffs' Response to Defendants' Motion for Summary Judgment (Docket No. 122) . On September 4, the Union received the Plaintiffs' Motion for Summary Judgment and accompanying Memorandum of Law in Opposition to Defendants Motion for Summary Judgment and for Summary Judgment as to Plaintiffs' Claims, which was filed on August 30, 2004 (Docket No. 124). This Motion was filed on behalf of two plaintiffs only, Angel Ortiz and Reinaldo Ilarraza.

The Union now respectfully requests leave to file one joint reply to the two Motions filed by the different groups of plaintiffs. The arguments advanced in both Motions are similar, and furthermore, two of the plaintiffs, Angel Ortiz and Reinaldo Ilarraza, are included in both Motions. Accordingly, it is in the interest of judicial economy to permit the Union to file a joint reply, to avoid duplicative arguments and decisions. The Union also respectfully requests an extension of time of thirty (30) days to file its joint reply, until October 11, 2004

Respectfully submitted in San Juan, Puerto Rico this 10<sup>th</sup> day of September, 2004.

s/ **ELLEN SILVER**  
USDC-MD No. 07548  
(Pro hac vice)

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion for Leave to Submit a Joint Reply and for Extension of Time was electronically filed with the Court on September 10, 2004 using the CM/ECF system, which will automatically notify the following individuals of such filing: Raquel Dulzaides, Esq., [usdccases@jgl.com](mailto:usdccases@jgl.com); Ana Rosa Biascochea, Esq., [biascochea@microjuris.com](mailto:biascochea@microjuris.com); Benito Gutierrez-Diaz, Esq., [lcdobenitogutierrez@libertypr.net](mailto:lcdobenitogutierrez@libertypr.net) . In addition, I certify that I have mailed this Motion, via first class mail, postage pre-paid, this same day, to the following non-CM/EDF participants: J.H. Zidell, Esq., 300 71st Street, #605, Miami Beach, FL 33141; and Luis A. Suarez Zayas, Esq., 503 Calle Goyco, San Juan, PR 00915.

s/**ELLEN SILVER**